UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:19-cv-76-FDW

CHRISTOPHER ANTHONY JUDD,)	
Plaintiff,)	
vs.)	<u>ORDER</u>
BILLY WATKINS, et al.,)	
Defendants.)	
	,	

THIS MATTER is before the Court on *pro se* Motion, (Doc. No. 43), in which he asks the Court to require Defendants to answer his Third Amended Complaint, (Doc. No. 34).

Plaintiff's Amended Complaint, (Doc. No. 10), passed initial review and is the operative pleading. See (Doc. No. 12). Defendants Watkins and the Sheriff filed an Answer, (Doc. No. 24). Plaintiff subsequently filed Motions to Amend as well as a Second and Third Amended Complaint. (Doc. Nos. 25, 28, 34, 35). The Court denied the Motions to Amend and rejected the Second and Third Amended Complaints because they constituted piecemeal filings but provided Plaintiff the opportunity to file a superseding Fourth Amended Complaint. (Doc. No. 40). Plaintiff has failed to do so, so the Amended Complaint, (Doc. No. 10), remains the operative pleading.

Plaintiff's Motion requiring Defendants to answer the Third Amended Complaint will therefore be denied as moot.

IT IS THEREFORE ORDERED that:

- 1. Plaintiff's *pro se* Motion, (Doc. No. 43), seeking an order for Defendants to answer the Third Amended Complaint is **DENIED** as moot.
- 2. The Clerk of Court is instructed to mail Plaintiff a copy of the Court's October 1,

Signed: October 18, 2019

Frank D. Whitney Chief United States District Judge